

ARTICLE 5. BILLINGS, PAYMENTS, DELINQUENT PAYMENT PENALTY

12-501. AN ORDINANCE imposing due dates for payments of sewer billings.
BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MERIDEN, KANSAS:
Section 1. Former Meriden Municipal Ordinance No. 12-501 is repealed by new Meriden Municipal Ordinance No. 12-501 as set forth herein.

Section 2. All users shall be billed monthly. Billings shall be made within thirty (30) days after the end of that month. Payments are due in full each month. Payments will be timely made if postmarked by the 20th day of each month or received by the 25th day of each month.

Section 3. This ordinance shall take effect and shall be in full force on April 30, 1995, and after its publication in the official newspaper.

PASSED AND APPROVED by the City Council this 5th day of April, 1995.
(Effective April, 1995)

12-502. AN ORDINANCE AMENDING CHAPTER 12, ARTICLE 5, SECTION 12-502 OF THE CODE OF THE CITY OF MERIDEN, KANSAS, AMENDING THE PENALTY FOR LATE PAYMENT OF SEWER UTILITY BILLING AND REPEALING PRIOR ORDINANCE NO. 12-502 AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MERIDEN, KANSAS:

Section 1. Section 12-502 of the Code of the City of Meriden is hereby amended to read as follows:

Section 2. A monthly late payment penalty of 10 percent of the unpaid balance shall be imposed upon users who fail to fully pay their sewer billings in a timely manner. When any billing is in default in excess of thirty (30) days, following due notice and opportunity for hearing, sewer service to such premises may be discontinued until such billing is paid.

Section 3. This ordinance shall take effect and be in full force from and after is passage, approval and publication as provided by law.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this 15th day of September, 2010.

(Effective Sept, 2010)

12-503. AN ORDINANCE clarifying responsibilities and remedies for timely payment of sewer accounts with Meriden, Kansas.

Section 1. Notwithstanding any other provision found elsewhere within other ordinances enacted by Meriden, Kansas, this ordinance shall apply to all owners of structures connected to/users of and sewer fee billing account holders and guarantors of the sanitary sewer system of Meriden, Kansas.

Section 2. All owners of structures connected to potable water supply within the city limits of Meriden, Kansas, shall be connected to the Meriden sanitary sewer system. Absent a written agreement to the contrary, the City of Meriden shall extend the City's sanitary sewer system to a property line of the real estate on which the structure is located. The City shall have complete discretion to determine where the sewer main extension will intersect with the real estate property line. The property owner shall be responsible for connecting the structure to the sanitary sewer main extension, while complying with all applicable requirements pertaining to permits, codes, inspection and other criteria. Structures failing to comply with the sewer connection requirements of the Section shall be deemed uninhabitable and subject to orders of vacation.

Section 3. All owners of structures connected to the Meriden sanitary sewer system shall obtain a permit to connect to the sewer system. Absent a written agreement to the contrary, the fees for obtaining connection permits are \$750.00. Said permits are the property of the owner of the real estate upon which is located the structure being connected to the sewer system. Permits are transferable to subsequent owners of the real estate so long as sewer service has not been terminated by disconnection. In such case, the restoration of service shall not occur until a new connection permit has been obtained.

Section 4. Owners and occupants of structures connected to the sewer system shall be jointly and severally liable for sanitary sewer fees.

Section 5. In the event that a sewer fee billing account is opened in the name of an entity other than a natural person, the City shall require that a natural person execute such documents as are necessary for such natural person to serve as a personal guarantor of the timely payment of such sewer fees.

Section 6. In the event of delinquent fees, the City may avail itself of all collection remedies, including, but not limited to, the disconnection of sanitary sewer connections and, pursuant to written agreements with other utilities, the disconnection of other utilities serving the structure for which sewer fees are delinquent. In the event that a person or entity has more than one sewer fee billing account with the City of Meriden, the delinquency as to one account shall entitle the City to seek disconnection remedies against any or all of the accounts.

Section 7. In the event of a sewer disconnection, in order to be reconnected to the sanitary sewer system, the user shall pay the City's expenses and costs associated with the disconnection and the costs associated with a new connection permit.

Section 8. This ordinance shall be binding upon all sanitary sewer users, connection permit owners and sewer fee billing account holders and guarantors.

Section 9. Severability is intended throughout and within the provisions of this Ordinance. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

Section 10. This ordinance shall become effective upon publication in the official city newspaper and upon its implementation, the prior version of the ordinance shall be repealed.

PASSED AND APPROVED by the City Council this 7th day of October, 2005.
(Eff. Oct., 2005)

12-504. AN ORDINANCE providing for utility service to properties located in the City of Meriden, Kansas. BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MERIDEN, KANSAS:

Section 1. CONFLICTS. Notwithstanding conflicting provision elsewhere in the ordinances of the City of Meriden, Kansas, the provisions of this ordinance shall supersede conflicting language found elsewhere.

Section 2. DEFINITION. For the purpose of this ordinance, "utility services" shall include any water and sewer services provided by the city.

Section 3. SERVICE CONNECTION REQUIRED. Owners of premises served by utility services under this ordinance shall be required to carry such services in their name, whether owned individually or by another legal entity. Owners of the served premises shall be liable for payment of the cost of any utility service account arising from service provided to the premises. This provision shall also apply when the premises are leased to a third party by the owner or when leased by or through an agent or other representative of the owner. In the case of properties other than residential, the city may permit the owner's legal representative to contract for utility services, but the owner will continue to be ultimately liable for payment for utility services furnished by the city to the premises.

Section 4. In the event the owner of premises served by the city's utility services is a legal entity other than an individual, the city may require a written guaranty of payment of utility fees to be executed by an individual or individuals.

Section 5. NOTICE; HEARING. (a) If a utility bill has not been paid on or before the due date, a delinquency and termination notice may be issued by the city within five (5) days after the delinquency occurs. In any event, no termination hearing pursuant to this ordinance shall occur without delinquency and termination notice mailed to the owner and guarantor(s), if any, at the address provided to the city for mailing of utility bills. A copy shall also be mailed to the tenant as provided herein.

(b) The notice shall state:

- (1) The amount due, plus any delinquency charge;
 - (2) Notice that utility services will terminate if the amount due is not paid within ten (10) days from the date of the notice unless the date on the notice to pay the charges due shall be on a Saturday, Sunday, or legal holiday, in which event such notice will give the owner until the close of the next business day in which to pay the charges.
 - (3) Notice that the owner/guarantor has the right to a hearing before the city council or its designee;
 - (4) Notice that the request for a hearing must be in writing and filed with the city clerk no later than three days prior to the date for termination of service.
- (c) Upon receipt of a request for hearing, the city clerk shall advise the owner of the date, time, and place of the hearing which shall be held no later than the next regularly scheduled city council meeting.

Section 6. TENANTS' RIGHTS. (a) In the even a delinquency arises involving a leased premises, the tenant shall be notified in writing of the delinquency of the landlord by first class regular mail simultaneously with the delinquency notice to the landlord.

(c) If the tenant chooses to pay the delinquent account, service will not be terminated.

(d) The tenant will be allowed to continue paying for utility services for a period of ninety (90) days to allow resolution of the nonpayment by the landlord or to allow the tenant to obtain other housing, at which time service to the leased premises will be terminated.

Section 7. RECONNECTION. (a) If service has been terminated to the leased premises for failure by the landlord to pay the delinquent utility bill or after ninety (90) days of payment by the tenant, no further utility services shall be furnished by the city to the premises until all billing for the utility service to said premises, interest, late payment charges and a reconnection charge is paid in full.

(b) If the bill remains unpaid, the delinquent utility account charges shall constitute a lien upon the real estate served, and shall be certified by the city clerk to the county clerk to be placed on the tax roll for collection, subject to the same penalties, and collected in like manner as other taxes collectible by law.

Section 8. EFFECTIVE DATE. This ordinance shall become effective after one (1) publication in the official newspaper of the City of Meriden, Kansas.

PASSED AND APPROVED by the City Council of Meriden this 22nd day of June, 2004.
(Effective July, 2004)